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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-40788-2024
Date of Decision:-16.09.2024

TARLOK SINGH

... PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Gagandeep Kaur, Advocate, for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

Mr. Harshit Jain, Advocate for the complainant.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed status report of Deputy Superintendent of Police, Sub Division, Lehra, District Sangrur, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. By way of the present petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, the petitioner is praying for anticipatory bail in the event of arrest in FIR (Annexure P-1) detailed as under:-

FIR No.	Dated	Sections	Police Station
112	25.07.2024	115 (2), 110, 351, 3(5) of BNS	Lehra, District Sangrur



3. Heard.

4. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. She contends that due to party faction in the village the petitioner has been wrongly roped in the present FIR without their being any specific overt act attributed to him, in fact the complainant party happens to be the aggressor. She contends that the injury attributed to the petitioner is simple and on non vital part of the body, hence she prays for grant of anticipatory bail to the petitioner.

5. *Per contra* learned State counsel assisted by learned counsel for the complainant, referring to the reply submitted by the State has opposed the bail petition by arguing that the petitioner happens to be the member of the attacking party while being armed with wooden rod has inflicted as many as 4 injuries on the person of the complainant. They contend that in the present occurrence the petitioner along with co-accused while being armed with weapons have caused as many as 18 injuries to Gurjant Singh, 7 injuries to Hari Krishan and 4 injuries to Surjit Kaur i.e. 29 injuries in all out of which injury No.1 on the person of Hari Krishan was declared as greivous in nature. They contend that petitioner had actively participated in the occurrence in inflicting injuries on the person of the complainant party, and as such, do not deserve concession of bail to the petitioner.

6. After considering the arguments and perusing the record, it transpires that as per allegations, on account of a dispute regarding water



passage, petitioner along with co-accused armed with weapons are alleged to have caused 18 injuries to Gurjant Singh, 7 injuries to Hari Krishan and 4 injuries to Surjit Kaur i.e. 29 injuries in all to the complainant party out of that 4 injuries are attributed to the petitioner on the person of Surjit Kaur. The injury No.1 on the person of Hari Krishan was found to be greivous in nature. Although, the injuries attributed to the petitioner are stated to be simple in nature, but considering the active participation of the petitioner in the occurrence whereby the complainant party sustained as many as 29 injuries from the hands of the assailants party, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

16.09.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |